

following is a summary of those changes:

1. SB 143/SJCS provides an appropriation for the **creation** of seven district court judgeships, four metropolitan court judges and two magistrate court judgeships. The allocation of judgeships throughout the state is as follows:
 - one new judgeship in the Third Judicial District,
 - one new judgeship in the Sixth Judicial District,
 - one new judgeship in the Ninth Judicial District,
 - two new judgeships in the Eleventh Judicial District,
 - two new judgeships in the Thirteenth Judicial District,
 - four judgeships for the Bernalillo County Metropolitan Court,
 - one additional magistrate judgeship in San Juan County, and
 - one additional magistrate judgeship in Santa Fe County.
2. SB 143/SJCS **abolishes** one existing judgeship in Lea County effective January 1, 2007. Division 4 in Tatum will be eliminated at that time.
3. SB 143/SJCS **abolishes** four circuit courts on July 1, 2003:
 - Colfax County - Cimarron circuit
 - Guadalupe County - Vaughn circuit
 - Lea County - Jal circuit
 - Quay County - San Jon circuit
4. SB 143/SJCS also **re-allocates the composition of precincts in divisions** as follows:
 - Lea District - Divisions 1 and 2 in Hobbs; Division 3 in Eunice; and Division 4 in Lovington (effective January 1, 2007),
 - San Juan District - Division 5 created from the re-allocation of Divisions 1 through 4 (effective July 1, 2003), and
 - McKinley District – Divisions 1, 2 and 3 as a single court in Gallup (effective July 1, 2003).

5. **Appointments and Elections:**

The committee substitute states that magistrate judges shall not be elected at-large from the district, but shall be elected by the voters of the division for which the magistrate sits. Magistrate judges shall reside in their divisions, but shall have district-wide jurisdiction.

The magistrate court judgeships in San Juan and Santa Fe shall be filled by appointment by the governor and shall begin serving on July 1, 2003, and shall serve until a successor has been elected in the 2004 general election to fill the unexpired term ending December 31, 2006. The first full term of these offices will be filled by general election held in 2006 and the term of office shall begin January 1, 2007.

SB 143/SJCS states the metropolitan court judgeships “shall be appointed, elected and retained in accordance with Article 6 of the Constitution of New Mexico” (page 3).

The bill also states that “The additional district and metropolitan judgeships provided for in this act shall be filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico (page 9).

6. SB 143/SJCS does not eliminate existing clerk positions as a result of these actions. Clerk positions shall be reassigned from the abolished magistrate court and circuits to other magistrate courts as directed by the Administrative Office of the Courts.
7. SB 143/SJCS provides appropriations for salaries and benefits and furniture, supplies and equipment for the additional judges and staff. There is also an appropriation in each of the respective areas affected by these additional judgeships for the District Attorneys and Public Defenders. See specific appropriations per district on page 4 of this analysis.

Significant Issues

1. In November 1998, the Administrative Offices of the Courts (AOC) completed and updated an expanded study to provide the legislature with a methodology for determining the needs for additional judgeships – the Weighted Caseload Study. This study assigns a weight, expressed in minutes, for each type of case heard in a court. The weight represents the average amount of a judge’s time necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category to determine “work-load.”
2. The Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the Weighted Caseload Study applied to FY02 data, as well as additional narrative and testimonial information. The Council voted to support the judgeship requests in this bill.
3. SB 143/SJCS may have an impact on the performance measures in FY04:

Number of cases adjudicated,
Number of cases awaiting judicial action, and
Amount of criminal case fees and fines assessed.
Cases cleared as a percent of cases filed

FISCAL IMPLICATIONS

The \$5,173,133 appropriation in this bill is a recurring* expense to the general fund. Any unexpended or unencumbered balance remaining from any of the appropriations at the end of fiscal year 2004 shall revert to the general fund.

*Part of the appropriations to each court, district attorney and public defender is specifically for furniture and equipment. These are considered capital items (defined by DFA as purchases over \$1,500) and are a one-time expense. Therefore, a portion of this appropriation must be designated as non-recurring.

Also, part of the FY04 General Appropriation Act for the Magistrate Court Program will need to be reduced as a result of the elimination of four circuit courts.

JUDGESHIP AND RELATED APPROPRIATIONS

Judgeships	Appropriation to Court or AOC	Appropriation to District Attorney	Appropriation to Public Defender	Total
3 rd Judicial (1 judge)	293,290	78,665	105,530	477,485
6 th Judicial (1 judge)	293,290	78,665	0	371,955
9 th Judicial (1 judge)	293,288	78,665	105,530	477,483
11 th Judicial (2 judges)	586,580	0	0	586,580
13 th Judicial (2 judge)	586,580	157,330	0	743,910
Bernalillo County Metro- politan Court (4 judges)	1,096,260	419,830	458,000	1,974,090
Magistrate Court: San Juan County (1 judge)	99,380	75,925	88,020	263,325
Magistrate Court: Santa Fe County (1 judge)	99,380	75,925	103,000	278,305
Totals	\$3,348,050	\$965,005	\$860,080	\$5,173,133

CMH/sb:yr